



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Ecology AO # 05-18

☒ Permanent Rule
☐ Emergency Rule

Effective date of rule:

Permanent Rules

☒ 31 days after filing
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: This proposed rulemaking would amend Chapter 173-153 WAC to reflect the legislative amendments to Chapter 90.80 RCW and 90.03 RCW adopted during the last two legislative sessions and provide additional information concerning the crediting of training credit to board commissioners during their term of service. Substitute House Bill 2307, Chapter 104, Session Laws of 2004, entitled Water Conservancy Board - Commissioner Eligibility, provided a definition of a "water right holder" for the purpose of determining representation requirements of board commissioners. This definition differs from the definition within the rule proposed to be amended. Engrossed Substitute Senate Bill 6125, Chapter 10, Session Laws of 2004, entitled Water Conservancy Board - Alternate, defined the position of "Alternate Commissioner" and authorized certain conditions under which an alternate may serve in the place of an absent commissioner. The adopted definition and conditions for service as a commissioner differs from that contained within the rule. Engrossed Substitute House Bill 2309, Session laws of 2005, entitled Water Right Fees, modified the fees associated with the examination of water right change applications and eliminated the collection of a fee to Ecology for applications filed with Water Conservancy Boards. The proposed rule amendment eliminates the requirement that boards forward a fee to the Department and clarifies other application processing issues.

Citation of existing rules affected by this order:

Repealed:

Amended: WAC 173-153-030; WAC 173-153-042; WAC 173-153-045; WAC 173-153-050; WAC 173-153-070; WAC 173-153-080; WAC 173-153-090; WAC 173-153-130; WAC 173-153-140; WAC 173-153-150;

Statutory authority for adoption: RCW 90.80.040

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 06-10-041 on April 28, 2006.

Describe any changes other than editing from proposed to adopted version: Six changes are being made between the proposed and adopted version of the rule amendments. A correction is made to WAC 173-153-045 to ensure that the rule is consistent with the discretionary authority of the counties in dissolving a board; A correction to WAC 173-153-070(15) is made to conform the rule to fee filing period provided by statute; WAC 173-153-070(17) is reworded for clarity; WAC 173-153-080(1) is changed to remove a requirement that information within a public notice be in a prescribed order; WAC 173-153-080(5) is changed to more clearly describe circumstances that would result in a need to republish a public notice; and, WAC 173-153-150(5)(b) is changed to add a citation of statute that sets for requirements for adoption of a record of decision by a water conservancy board.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: No cost-benefit analysis was required.

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: 9/6/06

NAME (TYPE OR PRINT)

Jay J Manning

SIGNATURE

TITLE

Director, Department of Ecology

CODE REVISER'S OFFICE
STATE OF WASHINGTON
CODE REVISER USE ONLY

SEP 6

TIME

10:18

DATE

06-18-102

AM
PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>6</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>4</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>4</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____